

Remarks

Claims 1-20, and 22-29 are pending. Claim 21 has been canceled. Claims 1-20, and 22-29 have been rejected.

Objections to the claims

Claims 2, 4, and 6-7 have been objected to. In light the amendment to the claims, Applicants believe the objections are moot.

Rejections under 35 U.S.C. § 102

Claims 1-3, 5-8, 12, 13 and 15-18 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,231,600 to Zhong ("Zhong").

Claim 1 defines a method for fabricating a coating for an implantable medical device. The method includes (a) forming a first layer of the coating on the device, the first layer including at least one hydrophobic polymer; and (b) forming a water-soluble second layer of the coating on at least a portion of the first layer, the second layer including at least one hydrophilic or amphiphilic polymer. **The hydrophobic polymer in the first layer and the hydrophilic or amphiphilic polymer in the second layer have a mass ratio between about 49:1 and about 19:1.**

Zhong describes forming a layer of heparin on top of a coating where the heparin is crosslinked to the coating surface. **There is no description or teaching in Zhong of a hydrophobic polymer in the coating and a hydrophilic polymer having a mass ratio between about 49:1 and about 19:1.** Accordingly, claim 1 is patentably allowable over Zhong under 35 U.S.C. §102(b). Claims 2, 3, 5-8 and 11 depend from claim 1 and are patentably allowable over Zhong for at least the same reason.

Claim 12 defines a coating for an implantable medical device. The coating includes (a) a first layer disposed on the device, the first layer including at least one hydrophobic polymer; and (b) a water-soluble second layer disposed on at least a portion of the first layer, the second layer including at least one hydrophilic or amphiphilic polymer. The hydrophobic polymer in the first layer and the hydrophilic or amphiphilic polymer in the second layer have a mass ratio between about 49:1 and about 19:1. As discussed above, Zhong does not describe or teach this element.

Accordingly, claim 12 is patentably allowable over Zhong under 35 U.S.C. §102(b).

Claims 13 and 15-18 depend from claim 12 and are patentably allowable over Zhong for at least the same reason.

Claims 1-20 and 22-29 have been rejected as being anticipated by U.S. Patent No. 6,926,919 to Hossainy et al. ("Hossainy") under 35 U.S.C. §102(b). Applicant respectfully points out that Hossainy issued published on August 9, 2005 and thus should not have been cited as a 35 U.S.C. §102(b) reference against the present application.

That being the case, Applicant believes that the rejection should have been made under 35 U.S.C. §102(e), and Applicant believes the enclosed Declaration under 37 CFR 1.131 moots any rejection of claims 1-20 and 22-29 over Hossainy.

Therefore, all of the extent claims are allowable.

The undersigned authorizes the examiner to charge any fees that may be required or credit of any overpayment to be made to Deposit Account No. 07-1850.

Withdrawal of the rejection and allowance of the claims are respectfully requested.

If the Examiner has any suggestions or amendments to the claims to place the claims in condition for allowance, applicant would prefer a telephone call to the undersigned attorney for approval of an Examiner's amendment. If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 393-9885.

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